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STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████
██████████
██████████

DECISION
Case #: MPA - 204276

PRELIMINARY RECITALS

Pursuant to a petition filed on January 25, 2022, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Medicaid Services regarding Medical Assistance (MA), a hearing was held on March 9, 2022, by telephone.

The issue for determination is whether petitioner's appeal is moot.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

██████████
██████████
██████████

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By:

Division of Medicaid Services
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Beth Whitaker
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES #) is a resident of Monroe County.
2. On January 10, 2022, a prior authorization (PA) for complete mandibular and maxillary dentures was submitted by petitioner's dental provider, Dr. ██████, Family Health Center of Marshfield (PA number ██████).

3. On January 12, 2022 the agency denied the request, stating that the provider submitted a “pan” that was non-diagnostic and did not support edentulation.
4. On January 27, 2022, the Division received petitioner’s request for hearing, postmarked January 25, 2022.
5. On February 24, 2022, the agency informed petitioner and the Division that it reversed its denial.

DISCUSSION

A matter is moot if the review sought cannot have a practical effect on the existing controversy. See *Racine v. J-T Enterp.*, 64 Wis. 2nd 691, 702; 221 N.W. 2nd 869, 875 (1974). Here, the petitioner was contesting the denial of the PA for complete mandibular and maxillary dentures. That issue is now moot as the agency reversed its original decision and now has approved the PA. The agency wrote on February 24, 2022 that based on information received with petitioner’s appeal request and a further review of the PA request, it would reverse its decision and approve the request for maxillary and mandibular complete dentures.

Petitioner should have her dental provider submit a new PA request for the complete mandibular and maxillary dentures and include with the request a copy of the agency’s letter regarding its reversal or a copy of this order.

CONCLUSIONS OF LAW

Petitioner’s appeal is moot.

THEREFORE, it is

ORDERED

That the appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

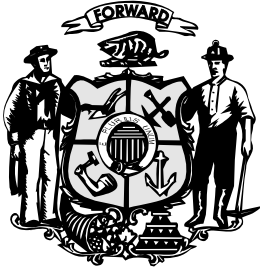
The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 10th day of March, 2022



\s _____

Beth Whitaker
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5th Floor North
4822 Madison Yards Way
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 10, 2022.

Division of Medicaid Services